

STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,	)
	)
Plaintiff	)
	)
v.	)
	)
ADP MARSHALL, INC., a FLUOR DANIEL COMPANY, and	)
FIREMAN'S FUND INSURANCE COMPANY,	)
	)
Defendants	)
	)
	)
	) CIVIL ACTION
	) NO. 04-CV-10203-PBS
ADP MARSHALL, INC.,	)
	)
Plaintiff-in-Counterclaim,	)
	)
v.	)
	)
MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,	)
	)
Defendant-in-Counterclaim	)
	)
	)
ADP MARSHALL, INC.,	)
	)
Third-Party Plaintiff	)
	)
v.	)
	)
ALLIED CONSULTING ENGINEERING SERVICES, et al.	)
	)
Third-Party Defendants	)

**PRE-TRIAL DISCLOSURE BY THIRD-PARTY DEFENDANT,  
SPAGNOLO/GISNESS & ASSOCIATES, INC.**

Third-party defendant, Spagnolo/Gisness & Associates, Inc. ("SGA"), hereby makes its pre-trial disclosure in accordance with Fed. R. Civ. P. 26 (a)(3):

**I. Preliminary Statement**

SGA makes this disclosure based on the limited information it has been given in this case and with a full reservation of rights due to the failure by ADP Marshall, Inc., the third-party plaintiff (“ADPM”) to provide any meaningful discovery regarding the likely proof to be forthcoming at trial.

**A. Witnesses SGA expect to call at trial:**

William Gisness  
200 High Street  
Boston, MA 02110  
(617) 443-0680

**B. Witnesses Whose Testimony is Expected to Be Presented by Means of Deposition:**

SGA does not expect to introduce any deposition testimony as no depositions have been taken in this matter.

**C. Documents SGA expect to introduce into evidence at trial:**

SGA’s architectural drawings dated 12/27/00

SGA intends to comply with the pretrial order and premark all exhibits and reserves all rights to identify and designate evidence during that process.

Respectfully submitted,  
SPAGNOLO GISNESS &  
ASSOCIATES, INC.  
By its attorneys,

/s/ Warren D. Hutchison

---

David J. Hatem, BBO # 225700  
Warren D. Hutchison, BBO #246150  
Carly B. Goldstein, BBO #654731  
DONOVAN HATEM LLP  
Two Seaport Lane  
Boston, MA 02210  
(617) 406-4500

**CERTIFICATE OF SERVICE**

I, Warren D. Hutchison, Esquire, hereby certify that on this first day of July, 2005, I served the attached Pre-Trial Disclosure By Third-Party Defendant, Spagnolo/Gisness & Associates, Inc. by mailing a copy thereof, post prepaid, to:

Andrew J. Tine, Esquire  
 Glenn H. Haese, Esquire  
 Richard J. Fox, Esquire  
 Haese, LLC  
 30 Federal Street, Suite 301  
 Boston, MA 02210

Charles A. Plunkett, Esquire  
 Edward F. Vena, Esquire  
 Sabatino F. Leo, Esquire  
 Vena, Riley, Deptula, LLP  
 250 Summer Street, 2<sup>nd</sup> Floor  
 Boston, MA 02210

John H. Bruno, Esquire  
 Masi & Bruno  
 124 Long Pond Road  
 Plymouth, MA 02360

William E. O'Gara, Esquire  
 Stephen A. Izzi, Esquire  
 Holland and Knight, LLP  
 One Financial Plaza, Suite 1800  
 Providence, RI 02903

David J. Hatem, PC  
 Jay S. Gregory, Esquire  
 Donovan Hatem LLP  
 Two Seaport Lane, 8<sup>th</sup> Floor  
 Boston, MA 02210

John J. McNamara, Esquire  
 Eric A. Howard, Esquire  
 Domestico, Lane & McNamara, LLP  
 161 Worcester Road, Suite 302  
 Framingham, MA 01701

Allen Whitestone, Esquire  
 Black Cetkovic & Whitestone  
 200 Berkeley Street  
 Boston, MA 02116

James F. Kavanaugh, III, Esquire  
 Robert R. Pierce, Esquire  
 Pierce & Mandell, PC  
 11 Beacon Street, Suite 800  
 Boston, MA 02108-3002

Eric H. Loeffler, Esquire  
 Cetrulo & Capone LLP  
 Two Seaport Lane, 10<sup>th</sup> Floor  
 Boston, MA 02149

---

/s/ Warren D. Hutchison  
 Warren D. Hutchison